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REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Report of the Second Committee

Rapporteur: Ms. Silvia Cristina CORADO-CUEVAS (Guatemala)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 20 September 1996, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-first session the item entitled "Report of the Economic and Social Council" and to allocate to the Second Committee the relevant chapters of the Council's report.[1]

2. The Second Committee considered the item at its 27th, 28th and 35th to 38th meetings, on 6, 18 and 25 November and on 2 December 1996. An account of the Committee's consideration of the item is contained in the relevant summary records (A/C.2/51/SR.27, 28 and 35-38). Attention is also drawn to the general debate held by the Committee at its 3rd to 6th and 8th meetings, from 14 to 18 October (A/C.2/51/SR.3-6 and 8).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Relevant chapters of the report of the Economic and Social Council for 1996 (chaps. I, III, IV, V (sects. B-E and H) and VII);[1]

(b) Note by the Secretary-General transmitting the report of the Economic and Social Commission for Western Asia on economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory,

[1] A/51/3 (Parts I-III); to be issued in final form as Official Records of the General Assembly, Fifty-first Session, Supplement No. 3 (A/51/3/Rev.1).

including Jerusalem, occupied since 1967, and on the Arab population of the occupied Syrian Golan (A/51/135-E/1996/51);

(c) Report of the Secretary-General on preventive action and intensification of the struggle against malaria in developing countries, particularly in Africa (A/51/379);

(d) Note by the Secretary-General transmitting the report of the Executive Director of the United Nations Population Fund on the United Nations Population Award (A/51/534).

4. At the 27th meeting, on 6 November, introductory statements were made by the Director of the Division for Policy Coordination and Economic and Social Council Affairs of the Department for Policy Coordination and Sustainable Development, the Director of the Division of Control of Tropical Diseases of the World Health Organization and the Chief of the Regional Commissions New York Office (see A/C.2/51/SR.27).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution contained in document A/C.2/51/L.2

5. At its 36th meeting, on 25 November, the Committee had before it a draft resolution entitled "Institutional arrangements for the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities" (see A/C.2/51/L.2), which the Economic and Social Council, in its resolution 1996/1 of 11 July 1996, had recommended to the General Assembly for adoption.

6. Before the adoption of the draft resolution, a statement was made by the representative of Ireland, on behalf of the European Union (see A/C.2/51/SR.36).

7. At the same meeting, the Committee adopted the draft resolution contained in document A/C.2/51/L.2 (see para. 24, draft resolution I).

8. After the adoption of the draft resolution, a statement was made by the representative of the United States of America (see A/C.2/51/SR.36).

B. Draft resolutions A/C.2/51/L.29 and A/C.2/51/L.30 and Rev.2

9. At the 35th meeting, on 18 November, the representative of the Syrian Arab Republic, on behalf of the Group of Arab States, Afghanistan and Cuba, introduced a draft resolution entitled "Economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory, including Jerusalem, occupied since 1967, and on the Arab population of the occupied Syrian Golan" (A/C.2/51/L.29), which read:

"The General Assembly,

"Recalling Economic and Social Council resolution 1996/40 of 26 July 1996,

"Reaffirming the principle of the permanent sovereignty of people under foreign occupation over their national resources,

"Guided by the principles of the Charter of the United Nations, affirming the inadmissibility of the acquisition of territory by force, and recalling Security Council resolutions 242 (1967) of 22 November 1967 and 497 (1981) of 17 December 1981,

"Recalling Security Council resolution 465 (1980) of 1 March 1980 and other resolutions in which the Security Council affirmed the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

"Also recalling Security Council resolution 904 (1994) of 18 March 1994, in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implement measures, including, inter alia, confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory,

"Welcoming the ongoing Middle East peace process started at Madrid on 30 October 1991 on the basis of Security Council resolutions 242 (1967), 338 (1973) of 22 October 1973 and 425 (1978) of 19 March 1978 and the principle of land for peace, in particular the two implementation agreements embodied in the Agreement on the Gaza Strip and the Jericho Area of 4 May 1994 and the Interim Agreement on the West Bank and the Gaza Strip of 28 September 1995,

"Aware of the negative and grave economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory, occupied since 1967, including Jerusalem, and on the Arab population of the occupied Syrian Golan,

"1. Takes note of the report of the Secretary-General;[2]

"2. Reaffirms that Israeli settlements in the Palestinian territory, including Jerusalem, and other Arab territories occupied since 1967 are illegal and an obstacle to economic and social development;

"3. Recognizes the economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory occupied

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[2] A/51/135-E/1996/51.

by Israel since 1967, including Jerusalem, and on the Arab population of the occupied Syrian Golan;

"4. Reaffirms the inalienable right of the Palestinian people and the population of the occupied Syrian Golan to their natural and all other economic resources, and regards any infringement thereupon as illegal;

"5. Requests the Secretary-General to submit to the General Assembly at its fifty-second session, through the Economic and Social Council, a report on the progress made in the implementation of the present resolution."

10. At the same meeting, the representative of Malaysia, on behalf of Bangladesh, Egypt, Malaysia, Mauritania, the Sudan, Tunisia, the United Arab Emirates and Yemen, introduced a draft resolution entitled "Natural resources of the occupied Palestinian territory, including Jerusalem, and other occupied Arab territories" (A/C.2/51/L.30), which read:

"The General Assembly,

"Reaffirming the principle of the permanent sovereignty of peoples under foreign occupation over their natural resources,

"Guided by the principles of the Charter of the United Nations and affirming the inadmissibility of the acquisition of territory by war,

"Reaffirming the applicability of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

"Expressing concern at the exploitation by Israel, the occupying Power, of the natural resources of the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

"Aware of the additional, dangerous impact of the Israeli colonial settlements on Palestinian and other Arab natural resources, especially the confiscation of land and the theft of water resources,

"Welcoming the Middle East peace process and the agreements reached, and calling for the scrupulous implementation of those agreements,

"1. Reaffirms the inalienable rights of the Palestinian people and the population of the occupied Syrian Golan to sovereignty over their natural resources, including their land, water, archaeological ruins and artifacts, and geological resources;

"2. Reaffirms also the obligations of Israel, the occupying Power, under international law, not to exploit, cause loss and depletion of or endanger the natural resources in the occupied Palestinian territory,

including Jerusalem, and other Arab territories occupied by Israel since 1967, and requests that Israel abide by these obligations;

"3. Recognizes the right of the Palestinian people to restitution and full compensation as a result of any exploitation, loss or depletion of, or damage to, their natural resources;

"4. Requests the Secretary-General to report on the implementation of the present resolution, and decides to include on the agenda of its fifty-second session the item 'Permanent sovereignty of peoples under foreign occupation over their natural resources'."

11. At the 37th meeting, on 2 December, the Vice-Chairman of the Committee, Mr. Kheirreddine Ramoul (Algeria), informed the Committee of the results of the informal consultations held on draft resolutions A/C.2/51/L.29 and L.30, and drew the Committee's attention to a revised draft resolution entitled "Permanent sovereignty of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources" (A/C.2/51/L.30/Rev.2), submitted by the sponsors of draft resolution A/C.2/51/L.30 and Algeria.

12. At the same meeting, the representative of Malaysia informed the Committee that Cuba, Jordan and Saudi Arabia had joined in sponsoring the revised draft resolution.

13. Before the adoption of the revised draft resolution, statements were made by the representatives of Israel and Lebanon (see A/C.2/51/SR.37).

14. Also at its 37th meeting, the Committee adopted revised draft resolution A/C.2/51/L.30/Rev.2 by a recorded vote of 123 to 2, with 17 abstentions (see para. 24, draft resolution II). The voting was as follows:[3]

In favour: Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Chad, Chile, China, Comoros, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Ecuador, Egypt, Estonia, Ethiopia, Finland, France, Germany, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Monaco, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru,

[3] The representative of Eritrea subsequently indicated that he had intended to vote in favour, and the representative of Colombia stated that had he been present he would have voted in favour.

Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Samoa, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, the United States of America.

Abstaining: Argentina, Bahamas, Barbados, Belarus, Côte d'Ivoire, El Salvador, Fiji, Georgia, Kenya, Liberia, Marshall Islands, Micronesia (Federated States of), Nicaragua, Nigeria, Paraguay, Ukraine, Uruguay.

15. After the adoption of the draft resolution, statements were made by the representatives of Japan, Ireland (on behalf of the European Union), the United States of America, Argentina, Australia, Canada and the Islamic Republic of Iran (see A/C.2/51/SR.37).

16. In the light of the adoption of draft resolution A/C.2/51/L.30/Rev.2, draft resolution A/C.2/51/L.29 was withdrawn by its sponsors.

C. Draft resolution contained in document A/C.2/51/L.37

17. At its 37th meeting, on 2 December, the Committee had before it a draft resolution entitled "United Nations Declaration against Corruption and Bribery in International Commercial Transactions" (see A/C.2/51/L.37), which the Economic and Social Council, in its resolution 1996/51 of 20 November 1996, had recommended to the General Assembly for adoption.

18. Before the adoption of the draft resolution, statements were made by the representatives of Australia and China (see A/C.2/51/SR.37).

19. At the same meeting, the Committee adopted the draft resolution contained in document A/C.2/51/L.37 (see para. 24, draft resolution III).

20. After the adoption of the draft resolution, statements were made by the representatives of the United States of America, Mexico, South Africa and Venezuela (see A/C.2/51/SR.37).

D. Draft decision

Documents relating to the report of the Economic and Social Council

21. At its 37th meeting, on 2 December, on the proposal of the Chairman, the Committee decided to recommend to the General Assembly that it take note of documents before it under the item (see para. 25, draft decision I).

Biennial programme of work of the Second Committee for 1997-1998

22. At the 38th meeting, on 2 December, the representative of the Secretariat introduced and read out corrections to the draft biennial programme of work of the Second Committee for 1997-1998 (A/C.2/51/L.40, annex).

23. At the same meeting, the Committee approved the draft biennial programme of work of the Second Committee for 1997-1998, as orally corrected, and decided to recommend it to the General Assembly for adoption (see para. 25, draft decision II).

III. RECOMMENDATIONS OF THE SECOND COMMITTEE

24. The Second Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Institutional arrangements for the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities

The General Assembly,

Recalling the relevant provisions of Agenda 21,[4] in particular chapters 17, 33, 34, 38 and other related chapters, and the Rio Declaration on Environment and Development,[5]

Recalling also its resolution 50/110 of 20 December 1995 on the report of the Governing Council of the United Nations Environment Programme, in which it endorsed, inter alia, Governing Council decision 18/31 on the protection of the marine environment from land-based activities,

Noting the successful conclusion of the Intergovernmental Conference to Adopt a Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, which was held in Washington, D.C., from 23 October to 3 November 1995,

Having considered the Washington Declaration on Protection of the Marine Environment from Land-based Activities[6] and the Global Programme of Action for

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[4] Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992, vol. I, Resolutions Adopted by the Conference (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex II.

[5] Ibid., annex I.

[6] A/51/116, annex I, appendix II.

the Protection of the Marine Environment from Land-based Activities,[7] as well as the proposal of the United Nations Environment Programme on institutional arrangements and implementation of the Global Programme of Action and relevant recommendations of the Commission on Sustainable Development,

1. Endorses the Washington Declaration on Protection of the Marine Environment from Land-based Activities and the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities;

2. Stresses the need for States to take the necessary measures for the implementation of the Global Programme of Action at the national and, as appropriate, the regional and international levels;

3. Also stresses the need for States to take action for the formal endorsement by each competent international organization of those parts of the Global Programme of Action that are relevant to their mandates and to accord appropriate priority to the implementation of the Global Programme of Action in the work programme of each organization;

4. Further stresses the need for States to take such action at the next meetings of the governing bodies of the United Nations Environment Programme, the United Nations Development Programme, the United Nations Centre for Human Settlements (Habitat), the Food and Agriculture Organization of the United Nations, the World Health Organization, the International Maritime Organization, the International Atomic Energy Agency, the International Labour Organization and the United Nations Industrial Development Organization and in the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization and the relevant bodies of the International Monetary Fund and the World Bank, as well as in other competent international and regional organizations within and outside the United Nations system;

5. Further stresses the need for international cooperation, as outlined in sections IV.A and B of the Global Programme of Action, in capacity-building, technology transfer and cooperation, and the mobilization of financial resources, including support, in particular for developing countries, especially the least developed countries, countries with economies in transition and small island developing States, and to this end calls upon bilateral donors and international, regional and subregional financial institutions and mechanisms, including the Global Environment Facility, and other competent development and financial institutions:

(a) To ensure that their programmes give appropriate priority for country-driven projects aimed at the implementation of the Global Programme of Action;

(b) To assist with capacity-building in the preparation and implementation of national programmes and in identifying ways and means of funding them;

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[7] Ibid., annex II.

(c) To improve their coordination so as to enhance the delivery of financial and other support;

6. Invites non-governmental organizations and major groups to initiate and strengthen their actions to facilitate and support the effective implementation of the Global Programme of Action;

7. Requests the Executive Director of the United Nations Environment Programme to prepare, for the consideration of the Governing Council at its nineteenth session, specific proposals on:

(a) The role of the United Nations Environment Programme in the implementation of the Global Programme of Action, including the relevant role of its Regional Seas Programme and Freshwater Unit;

(b) Arrangements for secretariat support to the Global Programme of Action;

(c) Modalities for periodic intergovernmental review of progress in implementing the Global Programme of Action;

8. Calls upon the United Nations Environment Programme, within its available resources, and with the aid of voluntary contributions from States for this purpose, to take expeditious action to provide for the establishment and implementation of the clearing-house mechanism referred to in the Global Programme of Action, and requests the Executive Director of the United Nations Environment Programme to prepare and submit to the Governing Council at its nineteenth session specific proposals on, inter alia:

(a) The establishment of an inter-organizational group to develop the basic design and structure of the clearing-house data directory and its linkages to information delivery mechanisms;

(b) The means of linking the inter-organizational group to ongoing work within the United Nations system on the identification of and access to relevant databases and the comparability of data;

(c) The outline of a pilot project on the development of the clearing-house's source category component on sewage, to be implemented in partnership with the World Health Organization;

9. Calls upon States, in relation to the clearing-house mechanism, to take action in the governing bodies of relevant intergovernmental organizations and programmes so as to ensure that those organizations and programmes take the lead in coordinating the development of the clearing-house mechanism with respect to the following source categories, which are listed in conjunction with the relevant organization(s) and/or programme(s) but not in order of priority:

(a) Sewage - the World Health Organization;

(b) Persistent organic pollutants - the Inter-Organization Programme for the Sound Management of Chemicals, the International Programme on Chemical Safety and the Intergovernmental Forum on Chemical Safety;

(c) Heavy metals - the United Nations Environment Programme in cooperation with the Inter-Organization Programme for the Sound Management of Chemicals;

(d) Radioactive substances - the International Atomic Energy Agency;

(e) Nutrients and sediment mobilization - the Food and Agriculture Organization of the United Nations;

(f) Oils (hydrocarbons) and litter - the International Maritime Organization;

(g) Physical alterations, including habitat modification and destruction of areas of concern - the United Nations Environment Programme;

10. Decides to determine, at its special session to be held in June 1997 in accordance with its resolution 50/113 of 20 December 1995, specific arrangements for integrating the outcomes of periodic intergovernmental reviews, as envisaged in paragraph 7 (c) above, in the future work of the Commission on Sustainable Development related to the monitoring of the implementation of and follow-up to Agenda 21, in particular chapter 17.

DRAFT RESOLUTION II

Permanent sovereignty of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources

The General Assembly,

Recalling Economic and Social Council resolution 1996/40 of 26 July 1996,

Reaffirming the principle of the permanent sovereignty of people under foreign occupation over their natural resources,

Guided by the principles of the Charter of the United Nations, affirming the inadmissibility of the acquisition of territory by force, and recalling Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 465 (1980) of 1 March 1980 and 497 (1981) of 17 December 1981,

Reaffirming the applicability of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[8] to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

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[8] United Nations, Treaty Series, vol. 75, No. 973.

Expressing concern at the exploitation by Israel, the occupying Power, of the natural resources of the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

Aware of the additional, detrimental economic and social impact of the Israeli settlements on Palestinian and other Arab natural resources, especially the confiscation of land and the forced diversion of water resources,

Welcoming the ongoing Middle East peace process which was started at Madrid on 30 October 1991 and which is based on Security Council resolutions 242 (1967), 338 (1973) of 22 October 1973 and 425 (1978) of 19 March 1978 and the principle of land for peace, in particular the two implementation agreements embodied in the Agreement on the Gaza Strip and the Jericho Area of 4 May 1994[9] and the Interim Agreement on the West Bank and the Gaza Strip of 28 September 1995,

1. Takes note of the report of the Secretary-General;[10]

2. Reaffirms the inalienable right of the Palestinian people and the population of the occupied Syrian Golan over their natural resources, including land and water;

3. Calls upon Israel, the occupying Power, not to exploit, to cause loss and depletion of or to endanger the natural resources in the occupied Palestinian territory, including Jerusalem, and in the occupied Syrian Golan;

4. Recognizes the right of the Palestinian people to claim restitution as a result of any exploitation, loss or depletion of, or danger to, their natural resources, and expresses the hope that this issue will be dealt with in the framework of the final status negotiation between the Palestinian and Israeli sides;

5. Requests the Secretary-General to report to it at its fifty-second session on the implementation of the present resolution, and decides to include in the agenda of its fifty-second session the item entitled "Permanent sovereignty of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources".

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[9] A/49/180-S/1994/727, annex.

[10] A/51/135-E/1996/51.

DRAFT RESOLUTION III

United Nations Declaration against Corruption and Bribery in International Commercial Transactions

The General Assembly,

Recalling its resolution 3514 (XXX) of 15 December 1975, in which it, inter alia, condemned all corrupt practices, including bribery, in international commercial transactions, reaffirmed the right of any State to adopt legislation and to investigate and take appropriate legal action, in accordance with its national laws and regulations, against such corrupt practices, and called upon all Governments to cooperate to prevent corrupt practices, including bribery,

Recalling also the further work carried out by the General Assembly and the Economic and Social Council on the issue of illicit payments and on elaborating a code of conduct for transnational corporations,[11] consideration of which helped call attention to and raise international awareness of the adverse consequences of bribery in international commercial transactions,

Recalling further its resolution 50/106 of 20 December 1995, in which it recommended that the Economic and Social Council consider the draft international agreement on illicit payments at its substantive session of 1996 and report to the Assembly at its fifty-first session,

Welcoming the steps taken at the national, the regional, and the international level to fight corruption and bribery, as well as recent developments in international forums that have further advanced international understanding and cooperation regarding corruption and bribery in international commercial transactions,

Noting the adoption in March 1996 by States members of the Organization of American States of the Inter-American Convention against Corruption,[12] which includes an article on transnational bribery,

Noting also significant continuing work relevant to and consistent with the objectives of the present resolution in other regional and international forums, such as the continuing work of the Council of Europe and the European Union to combat international bribery, as well as the commitment by the States members of the Organisation for Economic Cooperation and Development[13] to criminalize bribery of foreign public officials in international commercial transactions in an effective and coordinated manner and further examine the modalities and appropriate international instruments to facilitate criminalization, and to re-examine the tax deductibility of such bribes with the intention of denying such tax deductibility in the member States that do not already do so,

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[11] E/1991/31/Add.1.

[12] See E/1996/99.

[13] See E/1996/106.

1. Adopts the United Nations Declaration against Corruption and Bribery in International Commercial Transactions, the text of which is annexed to the present resolution;

2. Notes the work being undertaken by the United Nations and in other international and regional forums to address the problem of corruption and bribery in international commercial transactions, and invites all States concerned to pursue the completion of such work;

3. Invites Member States, in accordance with the Declaration, to take appropriate measures and cooperate at all levels to combat corruption and bribery in international commercial transactions;

4. Requests the Economic and Social Council and its subsidiary bodies, in particular the Commission on Crime Prevention and Criminal Justice:

(a) To examine ways, including through legally binding international instruments, without in any way precluding, impeding or delaying international, regional or national actions, to further the implementation of the present resolution and the annexed Declaration, so as to promote the criminalization of corruption and bribery in international commercial transactions;

(b) To keep the issue of corruption and bribery in international commercial transactions under regular review;

(c) To promote the effective implementation of the present resolution;

5. Invites other bodies of the United Nations system, including the United Nations Conference on Trade and Development, whose competence extends to this matter to take action as appropriate within their mandates to promote the objectives of the present resolution and the Declaration;

6. Encourages private and public corporations, including transnational corporations, and individuals engaged in international commercial transactions to cooperate in the effective implementation of the Declaration;

7. Requests the Secretary-General to inform Member States, the relevant bodies and the specialized agencies of the United Nations system, and international, regional and non-governmental organizations, of the adoption of the present resolution, to encourage action towards making its provisions widely known and to promote its effective implementation;

8. Also requests the Secretary-General to prepare a report, for consideration by the General Assembly at its fifty-third session, on the progress made towards implementation of the present resolution and the steps taken by Member States, international and regional organizations and other relevant institutions to combat corruption and bribery in international commercial transactions; on the results of the work in this regard undertaken by the Commission on Crime Prevention and Criminal Justice and other bodies of the United Nations system; and on measures taken in accordance with the present resolution to promote social responsibility and the elimination of corruption and bribery in international commercial transactions;

9. Invites Member States and competent international, regional and non-governmental organizations to provide relevant information to assist the Secretary-General in preparing the above-mentioned report;

10. Decides to include in the provisional agenda of its fifty-third session, under the item entitled "Business and development", a review of the report of the Secretary-General concerning the implementation of the present resolution.

Annex

UNITED NATIONS DECLARATION AGAINST CORRUPTION AND BRIBERY IN INTERNATIONAL COMMERCIAL TRANSACTIONS

The General Assembly,

Convinced that a stable and transparent environment for international commercial transactions in all countries is essential for the mobilization of investment, finance, technology, skills and other important resources across national borders, in order, inter alia, to promote economic and social development and environmental protection,

Recognizing the need to promote social responsibility and appropriate standards of ethics on the part of private and public corporations, including transnational corporations, and individuals engaged in international commercial transactions, inter alia, through observance of the laws and regulations of the countries in which they conduct business, and taking into account the impact of their activities on economic and social development and environmental protection,

Recognizing also that effective efforts at all levels to combat and avoid corruption and bribery in all countries are essential elements of an improved international business environment, that they enhance fairness and competitiveness in international commercial transactions and form a critical part of promoting transparent and accountable governance, economic and social development and environmental protection in all countries, and that such efforts are especially pressing in the increasingly competitive globalized international economy,

Solemnly proclaims the United Nations Declaration against Corruption and Bribery in International Commercial Transactions as set out below.

Member States, individually and through international and regional organizations, taking actions subject to each State's own constitution and fundamental legal principles and adopted pursuant to national laws and procedures, commit themselves:

1. To take effective and concrete action to combat all forms of corruption, bribery and related illicit practices in international commercial transactions, in particular to pursue effective enforcement of existing laws prohibiting bribery in international commercial transactions, to encourage the

adoption of laws for those purposes where they do not exist, and to call upon private and public corporations, including transnational corporations, and individuals within their jurisdiction engaged in international commercial transactions to promote the objectives of this Declaration;

2. To criminalize such bribery of foreign public officials in an effective and coordinated manner, but without in any way precluding, impeding or delaying international, regional or national actions to further the implementation of this Declaration;

3. Bribery may include, inter alia, the following elements:

(a) The offer, promise or giving of any payment, gift or other advantage, directly or indirectly, by any private or public corporation, including a transnational corporation, or individual from a State to any public official or elected representative of another country as undue consideration for performing or refraining from the performance of that official's or representative's duties in connection with an international commercial transaction;

(b) The soliciting, demanding, accepting or receiving, directly or indirectly, by any public official or elected representative of a State from any private or public corporation, including a transnational corporation, or individual from another country of any payment, gift or other advantage, as undue consideration for performing or refraining from the performance of that official's or representative's duties in connection with an international commercial transaction;

4. To deny, in countries that do not already do so, the tax deductibility of bribes paid by any private or public corporation or individual of a State to any public official or elected representative of another country, and to that end, to examine their respective modalities for doing so;

5. To develop or maintain accounting standards and practices that improve the transparency of international commercial transactions, and that encourage private and public corporations, including transnational corporations, and individuals engaged in international commercial transactions to avoid and combat corruption, bribery and related illicit practices;

6. To develop or to encourage the development, as appropriate, of business codes, standards or best practices that prohibit corruption, bribery and related illicit practices in international commercial transactions;

7. To examine establishing illicit enrichment by public officials or elected representatives as an offence;

8. To cooperate and afford one another the greatest possible assistance in connection with criminal investigations and other legal proceedings brought in respect of corruption and bribery in international commercial transactions. Mutual assistance shall include, as far as permitted under national laws or as provided for in bilateral treaties or other applicable arrangements of the affected countries, and taking into account the need for confidentiality as appropriate:

(a) Production of documents and other information, taking of evidence and service of documents relevant to criminal investigations and other legal proceedings;

(b) Notice of the initiation and outcome of criminal proceedings concerning bribery in international commercial transactions to other States that may have jurisdiction over the same offence;

(c) Extradition proceedings where and as appropriate;

9. To take appropriate action to enhance cooperation to facilitate access to documents and records about transactions and about identities of persons engaged in bribery in international commercial transactions;

10. To ensure that bank secrecy provisions do not impede or hinder criminal investigations or other legal proceedings relating to corruption, bribery or related illicit practices in international commercial transactions, and that full cooperation is extended to Governments that seek information on such transactions;

11. Actions taken in furtherance of this Declaration shall respect fully the national sovereignty and territorial jurisdiction of Member States, as well as the rights and obligations of Member States under existing treaties and international law, and shall be consistent with human rights and fundamental freedoms;

12. Member States agree that actions taken by them to establish jurisdiction over acts of bribery of foreign public officials in international commercial transactions shall be consistent with the principles of international law regarding the extraterritorial application of a State's laws.

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25. The Second Committee also recommends to the General Assembly the adoption of the following draft decision:

DRAFT DECISION I

Documents relating to the report of the Economic and Social Council

The General Assembly takes note of the following documents:

(a) Relevant chapters of the report of the Economic and Social Council for 1996;[14]

[14] A/51/3 (Parts I-III) (to be issued in final form as Official Records of the General Assembly, Fifty-first Session, Supplement No. 3 (A/51/3/Rev.1)), chaps. I, III, IV, V (sects. B-E and H) and VII.

(b) Report of the Secretary-General on preventive action and intensification of the struggle against malaria in developing countries, particularly in Africa;[15]

(c) Note by the Secretary-General transmitting the report of the Executive Director of the United Nations Population Fund on the United Nations Population Award.[16]

DRAFT DECISION II

Biennial programme of work of the Second Committee for 1997-1998

The General Assembly, in accordance with paragraph 5 of its resolution 39/217 of 18 December 1984, approves the biennial programme of work of the Second Committee for 1997-1998, as annexed to the present decision.

ANNEX

Biennial programme of work for the Second Committee for 1997-1998[17]

1997

Item 1. Report of the Economic and Social Council[18]

Target for World Food Programme pledges for the period 1999-2000

Documentation Relevant chapter of the report of the Economic and Social Council

Prevention and control of acquired immunodeficiency syndrome (AIDS)

Documentation Note by the Secretary-General transmitting the report of the Director-General of the World Health Organization on progress in the implementation of the global strategy for the prevention and control of

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[15] A/51/379.

[16] A/51/534.

[17] The Second Committee will, in accordance with established practice and in pursuance of General Assembly decision 38/429, hold a general debate each year at the beginning of its work.

[18] The list of questions and documentation under this item corresponds to requests for reports from the General Assembly. The list will be finalized after the Economic and Social Council completes its work in 1997.

acquired immunodeficiency syndrome (AIDS) (General Assembly resolution 47/40)[19]

World Food Summit

Documentation — Note by the Secretary-General transmitting the report of the Director-General of the Food and Agriculture Organization of the United Nations on the outcome of the World Food Summit (General Assembly resolution 50/109)[19]

Permanent sovereignty over national resources in the occupied Palestinian and other Arab territories

Documentation — Report of the Secretary-General on economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory, including Jerusalem, occupied since 1967, and on the Arab population of the occupied Syrian Golan (Economic and Social Council resolution 1996/40)[19]

Coordination of the activities of the organizations of the United Nations system in the field of energy

Documentation — Report of the Secretary-General on the possibilities of strengthening the coordination of the organizations and bodies of the United Nations system in the field of energy (Economic and Social Council resolution 1996/44)[19]

New and innovative ideas for generating funds

Documentation — Report of the Secretary-General on all aspects of new and innovative ideas for generating funds for globally agreed commitments and priorities (Economic and Social Council resolution 1996/48)[19]

Item 2. Macroeconomic policy questions

(a) Financing of development, including net transfer of resources between developing and developed countries

Documentation — Report of the Secretary-General on the implementation of General Assembly resolution 50/93 as related to the preparations for the convening of an international conference on the financing of development

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[19] Report submitted to the General Assembly through the Economic and Social Council.

Report of the Secretary-General on global financial integration and the strengthening of collaboration between the United Nations and the Bretton Woods institutions (draft resolution A/C.2/51/L.50)

(b) Trade and development

Documentation — Report of the Trade and Development Board (General Assembly resolution 1995 (XIX))[19]

Report of the Secretary-General on the implementation of General Assembly resolution 50/96 on economic measures as a means of political and economic coercion against developing countries

Report of the Secretary-General of the United Nations and the Secretary-General of the United Nations Conference on Trade and Development on specific actions related to the particular needs and problems of landlocked developing countries (General Assembly resolution 50/97)

Note by the Secretary-General transmitting the report of the Secretary-General of the United Nations Conference on Trade and Development (draft resolution A/C.2/51/L.16/Rev.1, sect. III, para. 14)

(c) Science and technology for development

Documentation — Report of the Secretary-General on progress in the implementation of General Assembly resolution 50/101

(d) External debt crisis and development

Documentation — Report of the Secretary-General on the implementation of draft resolution A/C.2/51/L.24/Rev.1

Item 3. Sectoral policy questions

(a) Industrial development cooperation

Documentation — Report of the Secretary-General on the implementation of General Assembly resolution 50/94 on the Second Industrial Development Decade for Africa

(b) Business and development

Documentation — Report of the Secretary-General (General Assembly resolution 48/180)

(c) Food and sustainable agricultural development

Documentation — Report of the Secretary-General on the implementation of the World Food Summit Plan of Action (draft resolution A/C.2/51/L.47)

Note by the Secretary-General transmitting the report of the Director-General of the Food and Agriculture Organization of the United Nations on the outcome of the World Food Summit[19] (General Assembly resolution 50/109 and draft resolution A/C.2/51/L.47)

Item 4. Sustainable development and international economic cooperation

(a) Agenda for development

(i) Agenda for development

No documentation requested

(ii) Renewal of the dialogue on strengthening international economic cooperation for development through partnership

Documentation — Report of the Secretary-General on the implementation of draft resolution A/C.2/51/L.52

(b) Implementation of the Programme of Action for the Least Developed Countries for the 1990s

Documentation — Report of the Secretary-General on the implementation of General Assembly resolution 50/103

(c) Population and development

Documentation — Report of the Secretary-General on the implementation of draft resolution A/C.2/51/L.43

(d) International migration and development, including the convening of a United Nations conference on international migration and development

Documentation — Report of the Secretary-General (General Assembly resolution 50/123)

(e) Implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II)

Documentation — Report of the Commission on Human Settlements, including the report of the Commission on the implementation of the Global Strategy for Shelter to the Year 2000 (General Assembly resolutions 32/162, 43/180 and 43/181)[19]

Report of the Secretary-General on the implementation of draft resolution A/C.2/51/L.15/Rev.1[19]

Report of the Secretary-General containing an assessment of the United Nations Centre for Human Settlements with a view to its revitalization (draft resolution A/C.2/51/L.15/Rev.1)

(f) First United Nations Decade for the Eradication of Poverty

Documentation — Report of the Secretary-General on the implementation of draft resolution A/C.2/51/L.51, including the overall assessment of the implementation of the programme for the observance of the International Year for the Eradication of Poverty

(g) Women in development

Documentation — Report of the Secretary-General on the effective mobilization and integration of women in development (General Assembly resolutions 42/178 and 50/104)[19]

(h) Human resources development

Documentation — Report of the Secretary-General on the implementation of General Assembly resolution 50/105

(i) Cultural development

Documentation — Report of the Secretary-General and the Director-General of the United Nations Educational, Scientific and Cultural Organization on progress in the implementation of the World Decade for Cultural Development (General Assembly resolutions 41/187, 44/238, 45/189, 46/157 and 49/105 and Economic and Social Council decision 1996/206)[19]

Item 5. Environment and sustainable development

Documentation — Report of the Governing Council of the United Nations Environment Programme (General Assembly resolution 2997 (XXVII))[19]

Note by the Secretary-General on international conventions and protocols in the field of the environment (General Assembly resolution 3436 (XXX))

Oral report of the Secretary-General on the implementation of General Assembly resolution 50/110

(a) Implementation of decisions and recommendations of the United Nations Conference on Environment and Development

Documentation — Relevant section of the report of the Economic and Social Council on the work of the Commission on Sustainable Development at its fifth session (General Assembly resolution 47/191)

(b) Implementation of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa

Documentation — Report of the Secretary-General on the implementation of General Assembly resolution 50/114 on desertification and drought, and draft resolution A/C.2/51/L.39

(c) Protection of global climate for present and future generations of mankind

Documentation — Report of the Secretary-General on the review of the arrangements for administrative support to the secretariat of the United Nations Framework Convention on Climate Change (General Assembly resolution 50/115)

Note by the Secretary-General transmitting the report of the Executive Secretary of the United Nations Framework Convention on Climate Change on the results of the Conference of the Parties to the Convention (draft resolution A/C.2/51/L.33)

(d) International Decade for Natural Disaster Reduction

Documentation — Report of the Secretary-General on progress made in the implementation of General Assembly resolution 50/117 B

Report of the Secretary-General on the format, substance and timing of the final event of the Decade (draft resolution A/C.2/51/L.42)

(e) Convention on Biological Diversity

Documentation — Note by the Secretary-General transmitting the report of the Executive Secretary of the Convention on Biological Diversity on the results of the Conference of the Parties to the Convention (draft resolution A/C.2/51/L.31)

(f) Implementation of the outcome of the Global Conference on the Sustainable Development of Small Island Developing States

Documentation — Progress report of the Secretary-General (draft resolution A/C.2/51/L.35)

(g) Special session for the purpose of an overall review and appraisal of the implementation of Agenda 21

Documentation — Report of the Secretary-General on the special session (draft resolution A/C.2/51/L.41)

Item 6. Operational activities for development

(a) Operational activities for development of the United Nations system

Documentation — Relevant chapter of the report of the Economic and Social Council

(b) Economic and technical cooperation among developing countries

Documentation — Report of the High-level Committee on the Review of Technical Cooperation among Developing Countries (General Assembly resolution 33/134)[19]

Report of the Secretary-General on the implementation of General Assembly resolution 50/118 on cooperation between the United Nations and the Southern African Development Community

Report of the Secretary-General on the state of South-South cooperation (General Assembly resolution 50/119)

Item 7. Training and research

United Nations Institute for Training and Research

Documentation — Report of the Secretary-General (draft resolution A/C.2/51/L.27/Rev.1)

Note by the Secretary-General transmitting the report of the Joint Inspection Unit on training institution programmes and activities of the United Nations system (draft resolution A/C.2/51/L.27/Rev.1)

Item 8. Permanent sovereignty of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources

Documentation — Report of the Secretary-General on the implementation of draft resolution A/C.2/51/L.30/Rev.2

1998[20]

Item 1. Report of the Economic and Social Council[21]

United Nations Population Award

Documentation — Note by the Secretary-General transmitting the report of the Executive Director of the United Nations Population Fund on the United Nations Population Award and Trust Fund (Economic and Social Council decision 1982/112)

Public administration and development

Documentation — Report of the Secretary-General on public administration and development (General Assembly resolution 50/225)[19]

Item 2. Macroeconomic policy questions

(a) Financing of development, including net transfer of resources between developing and developed countries

Documentation — Report of the Secretary-General on the implementation of draft resolution A/C.2/51/L.53

(b) Trade and development

Documentation — Report of the Trade and Development Board (General Assembly resolution 1995 (XIX))[19]

Note by the Secretary-General of the United Nations transmitting the report of the Secretary-General of the United Nations Conference on Trade and Development on the implementation of draft resolution A/C.2/51/L.25

(c) Commodities

Documentation — Note by the Secretary-General transmitting the report of the Secretary-General of the United Nations Conference on Trade and Development on world

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[20] The programme of work and documentation list for 1998 will be updated in 1997, taking into account the decisions of the General Assembly at its fifty-first session.

[21] The list of questions and documentation under this item is only indicative of requests for reports from the General Assembly. The list will be finalized after the Council completes its work in 1997.

commodity trends and prospects (draft resolution A/C.2/51/L.49)

Item 3. Sectoral policy questions

(a) Industrial development cooperation

Documentation — Report of the Secretary-General on the implementation of draft resolution A/C.2/51/L.46

Note by the Secretary-General transmitting the report of the United Nations Industrial Development Organization on best practices and lessons learned in the field of industrial development (draft resolution A/C.2/51/L.46)

(b) Business and development

Documentation — Report of the Secretary-General on the implementation of draft resolution A/C.2/51/L.37

Item 4. Sustainable development and international economic cooperation

Documentation — Report of the Secretary-General and the Director-General of the United Nations Educational, Scientific and Cultural Organization on the implementation of General Assembly resolution 50/130 and draft resolution A/C.2/51/L.45 on communication for development programmes in the United Nations system

(a) Implementation and follow-up to major consensus agreements on development

(i) Implementation of the commitments and policies agreed upon in the Declaration on International Economic Cooperation, in particular the Revitalization of Economic Growth and Development of the Developing Countries

(ii) Implementation of the International Development Strategy for the Fourth United Nations Development Decade

Documentation — Report of the Secretary-General on the implementation of the Declaration on International Economic Cooperation, in particular the Revitalization of Economic Growth and Development of the Developing Countries, and on the implementation of the International Development Strategy for the Fourth United Nations Development Decade (General Assembly resolutions 45/199, 47/152, 48/185 and 49/92 and draft resolution A/C.2/51/L.32)

(b) Integration of the economies in transition into the world economy

Documentation — Report of the Secretary-General (General Assembly resolutions 48/181 and 49/106 and draft resolution A/C.2/51/L.17)

(c) First United Nations Decade for the Eradication of Poverty

Documentation — No documentation requested (draft resolution A/C.2/51/L.51)

(d) Cultural development

Documentation — Report of the Secretary-General and the Director-General of the United Nations Educational, Scientific and Cultural Organization on the follow-up to the report of the World Commission on Culture and Development (draft resolution A/C.2/51/L.34)

Item 5. Environment and sustainable development

Documentation — Report of the Secretary-General on products harmful to health and the environment (General Assembly resolution 34/173)[19]

(a) Implementation of the decisions and recommendations of the United Nations Conference on Environment and Development

Documentation — Relevant section of the report of the Economic and Social Council on the work of the Commission on Sustainable Development at its sixth session (General Assembly resolution 47/191)

(b) Implementation of the outcome of the Global Conference on the Sustainable Development of Small Island Developing States

Documentation — Report of the Secretary-General on the plans, programmes and projects for the sustainable development of small island developing States that have been implemented in response to the Programme of Action for the Sustainable Development of Small Island Developing States (General Assembly resolution 50/116 and draft resolution A/C.2/51/L.35)

Relevant chapter of the report of the Economic and Social Council containing the views of the Committee for Development Planning on the report of the Secretary-General on the vulnerability index (draft resolution A/C.2/51/L.35)

Item 6. Operational activities for development

Documentation — Report of the Secretary-General on preparations for the special session of the General Assembly to review the achievement of the goals of the World Summit for Children (draft resolution A/C.2/51/L.44)

(a) Triennial policy review of operational activities for development of the United Nations system

Documentation — Report of the Secretary-General on the triennial policy review of operational activities undertaken by the United Nations development system (General Assembly resolution 50/120)[19]

Item 7. Training and research

United Nations University

Documentation — Report of the Council of the United Nations University

Report of the Secretary-General (draft resolution A/C.2/51/L.20)